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Attorneys for Defendant Aloe Commodities International, Inc.

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U.S. DISTRICT COURT
CENTRAL DISTRICT OF UTAH

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SOLUTIONS INTERNATIONAL, LLC,
a Delaware limited liability company,

Plaintiff,

vs.

ALOE COMMODITIES
INTERNATIONAL, INC., a Texas
corporation, and JOHN DOES 1-10,

Defendants.

**MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION IN LIMINE
TO EXCLUDE EVIDENCE OF
STATEMENTS FROM CUSTOMERS**

Case No.: 2:04 CV 00314 DAK

Judge Dale A. Kimball

Magistrate Judge David O. Nuffer

Defendant Aloe Commodities International, Inc. ("Aloe"), by and through counsel,
hereby submits its memorandum in support of its motion for an Order in limine prohibiting the

plaintiff Solutions International, LLC ("Solutions") from introducing any evidence of statements made to a witness by any of plaintiff's customers.

ARGUMENT

I. OUT-OF-COURT STATEMENTS MADE BY SOLUTIONS' CUSTOMERS CONSTITUTES HEARSAY.

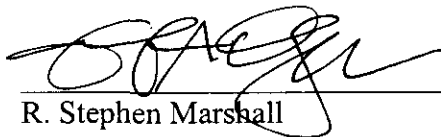
Solutions may seek to introduce evidence of out-of-court statements made by its customers to the witness regarding the customer's experience in taking *Ageless II*, including statements: (1) that the customer suffered ill health or adverse side effects from taking plaintiff's *Ageless II* product; (2) that the customer does not intend to purchase any of plaintiff's products in the future; or (3) that the customer's opinion of plaintiff's reputation suffered.

Evidence of statements made by customers constitutes hearsay under Rule 801(c), Fed. R. Evid., and is not admissible under Rule 802. Nor does it fall within an exception under Rule 803, Fed. R. Evid. Because such evidence is inadmissible, the Court should grant a motion in limine excluding any such evidence.

DATED this 29th day of August, 2005.

DURHAM JONES & PINEGAR

By:



R. Stephen Marshall

Erik A. Olson

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing MEMORANDUM
IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF
STATEMENTS FROM CUSTOMERS to be served via facsimile and U.S. Mail this 29th day
of August, 2005, to the following:

Brent V. Manning
Manning Curtis Bradshaw & Bednar
10 Exchange Place, 3rd Floor
Salt Lake City, Utah 84111